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Docket No.: 384848001US  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Plant Application of:  
Jack Z. Peng**

Application No.: 09/955,641

Confirmation No.: 1777

Filed: September 18, 2001

Art Unit: 2824

For: SEMICONDUCTOR MEMORY CELL AND  
MEMORY ARRAY USING A BREAKDOWN  
PHENOMENA IN AN ULTRA-THIN DIELECTRIC

Examiner: H. N. Nguyen

## TERMINAL DISCLAIMER

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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The undersigned is attorney of record for the assignee of the above-identified application. Kilopass Technologies, Inc. certifies that it is the owner of 100% interest in the above identified patent application, as evidenced by the recorded assignment having been recorded in the U.S. Patent and Trademark Office on September 18, 2001 at Reel 012192, Frame(s) 0607.

The owner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,700,151. The owner hereby agrees that any patent that is granted on the above-identified application shall be enforceable only for and during such period that it and the above listed patent are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assignees.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full

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statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminate prior to the expiration of its full statutory term.

Our check in the amount of \$55.00 covering the fee set forth in 37 CFR 1.20(d) is enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0665, under Order No. 384848001US. A duplicate copy of this paper is enclosed.

Dated: 5/24/04

Respectfully submitted,

By

Chun M. Ng

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The PTO did not receive the following  
listed item(s). A check for  
\$ 55.00